

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

KARRI DALTON as the Personal Representative of the
Estate of NIKKI BASCOM, deceased, and Next Friend to
M.B., a minor child, and A.C., a minor child,

Plaintiff,

v.

Case No. 17-cv-1143 WJ-GJF

TOWN OF SILVER CITY, ex rel.
SILVER CITY POLICE DEPARTMENT,
GRANT COUNTY, ex rel.
GRANT COUNTY SHERIFF'S DEPARTMENT,
SILVER CITY POLICE CHIEF ED REYNOLDS,
CAPTAIN RICKY VILLALOBOS,
THE ESTATE OF MARCELLO CONTRERAS,
DEPUTY JACOB VILLEGAS, DEPUTY FRANK GOMEZ,
and DEPUTY ADAM ARELLANO,

Defendants.

**PLAINTIFF'S OPPOSED MOTION FOR EXTENSION OF PAGE LIMITS FOR
THEIR RESPONSE BRIEF TO DOCUMENT 29 AND EXHIBITS THERETO**

COME NOW Plaintiffs by and through counsel, Kennedy Kennedy & Ives, PC, and hereby submit this Opposed Motion to for Extension of Page Limits relating to Plaintiffs' Response to County Defendants' Motion for Summary Judgment and Brief in Support, Document 29, filed 04/13/18 ("Motion"), and requesting leave to file a Response in excess of the twenty-four page limit, and with exhibits that exceed the 50-page limit. As grounds for this Motion, Plaintiffs state as follows:

1. The granting of leave to file additional pages will allow Plaintiffs to fully brief their response.
2. Defendants have moved for summary judgment on Plaintiffs' equal protection and Fourth Amendment claims against three individual officers. For those claims,

- Defendants raised qualified immunity. They have also moved to dismiss a *Monell* claim and state law claims against the Grant County Sheriff's Department.
3. The twenty-four pages allotted for Plaintiffs' response to Defendants' Motion under the local rules is insufficient to meet their burden to respond to Defendants' "Background" section, Defendants' "Undisputed Material Facts," and Defendants' assertion of qualified immunity on behalf of three individual officers for two of Plaintiffs' constitutional claims in addition to the state claims they have sought to dismiss.
 4. It is Plaintiffs' burden once a Defendant asserts qualified immunity to demonstrate the law was clearly established at the time of the incident.
 5. Plaintiffs' Response to Defendants' "Undisputed" Material Facts and their Additional Material Facts, alone, totals 19 pages. These facts are necessary for Plaintiffs' record in this case.
 6. Plaintiffs' response, attached hereto as Exhibit A, is 45 pages long.
 7. In addition, to dispute Defendants' "Undisputed" Material Facts and provide the Court with additional facts Plaintiffs assert create a material dispute of fact, Plaintiffs also require ninety 83 pages of exhibits.
 8. The proposed exhibits are attached at the end of Exhibit B in accordance with D.N.M.LR-Civ. 10.5.
 9. Plaintiffs respectfully requests the Court permit them to file an additional 21 pages to their Response, and an additional 33 pages of exhibits to their Response.
 10. County Defendants, Grant County, ex rel. Grant County Sheriff's Department would not have opposed an additional 12 pages to the brief and 25 pages to the exhibits, but do oppose this Motion.
 11. A form of Order for the Court's review and approval is submitted herewith.

WHEREFORE, Plaintiffs pray that this Court enter the order allowing her to file her Response to County Defendants' Motion for Summary Judgment and Brief in Support that exceeds the twenty-four (24) page limit restriction by twenty-one (21) pages for a total of fifty (45) pages and exceeds the fifty (50) page exhibit limit by thirty-three (33) pages for a total of ninety (83).

Respectfully Submitted,

KENNEDY KENNEDY & IVES

/s/ Laura Schauer Ives

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Attorneys for Plaintiff

I hereby certify that a true and correct copy of the foregoing was sent to all counsel of record on the day of its filing with the CM/ECF system.

/s/ Laura Schauer Ives

Laura Schauer Ives